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10/815,691

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George Harry Hoffman

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,691

Applicant(s)

HOFFMAN ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3, 5, 7, 9, 11, 26, 29, and 48 are rejected under 35 USC 102(e) as being anticipated by Schleicher (US 2003/0115119).**

Schleicher teaches all the limitations of claims 1, 3, 5, 7, 9, 11, 26, 29, and 48. For example, Schleicher discloses a system and method of Amphire Solutions that facilitates business transactions between trading partners joined in an exchange network via a hub entity (see at least Fig. 2; 0001-0008). Schleicher further discloses:

- a supply chain management computer receiving in a supply chain system from a buyer who has entered a buyer system ID a selection of an item to order; (see at least 0050).

- providing a display option to the buyer to generate an order to a supplier for an individual store only or to order for a plurality of stores of the buyer;

Inherent in Schleicher are the display structures necessary to permit a buyer to generate an order to a supplier. For example, Schleicher discloses purchases order(s) created by one trading partner being received by a trading partner (see at least 0049-0050).

- if an order is to be generated for a plurality of stores of the buyer, the supply chain management computer displaying an electronic order form for generating an order for the plurality of different stores associated with the buyer system ID, wherein a designation for each of the plurality of the stores is displayed, with each different store having a separate order amount field; master document contains multiple purchase orders created by a trading partner and is extracted out and put individually into the message queue that starts a new purchase order process per document (see at least 0051-0053).

- receiving data to populate the order amount field for at least one of the plurality of stores; order amount or quantity populates the purchase order for at least one of the plurality of stores as evidenced by the fact that inconsistencies that are checked for are based on the business rules of

the partners and can include such items as price, quantity, and product numbers (see at least 0069).

- and sending out the electronic order form to at least one supplier.

purchase order is sent to the trading partner (see at least 0053-0056).

- web page displays: hub built on web server (please note: requires web browser for user display) (see at Figs. 3 and 4; least 0034).

- store address: URLs; uses file address locations for each trading partner (see at least 0037; 0050).

- Purchase order acknowledgments: confirmation/acknowledgements (see at least 0043-0049).

- threshold amount: inconsistencies that are checked for are based on the business rules of the partners and can include such items as price, quantity, and product numbers. If the business rules specify a threshold of inconsistency, this threshold can trigger a cancellation process for the purchase order (see 0069).

- Trading partners: any business desiring to trade (see at least 0004).

Please note: restaurants, grocery stores, hardware stores, etc are

example of trading partners that do business with distributors,

wholesalers, manufactures, also trading partners. Please note supporting reference Item V, whereby RSI (Assignee) is using Amphire's system and method to support Burger King restaurants.

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- Shipping address: Inherent in Schleicher are the structures necessary to permit assigning shipping address(s) to trading partners. For example, Schleicher discloses use of shipping labels for trading partners, shipping orders, and shipment acknowledgements (see at least 0022; 0043; 0069).
- Systems, program code, logic: software component of system as identified in Figures 3 and 4 are executed on computers that a) manage databases, and b) provide services to local and remote client computers over networks (e.g. Internet) (see at least Figs. 2-4); Logic is used to execute the flow diagrams of Fig. 5a and Fig. 5b.

Pertaining to system, program code and logic claims

Rejection of system, program code, and logic claims is based on the same rational as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claims 2, 4, 6, 10, 12-14, 19-24, 27, 28, 30-36, 41-46, and 49-55 are rejected under 35 USC103(a) as being unpatentable over Schleicher (US 2003/0115119) in view of Yehia (US 2002/0147726).**

Schleicher teaches all the above as noted under the 102(e) rejection and teaches a) a system that facilitates the exchange of documents between supply chain trading partners, b) applying business rules per agreements established between trading partners and checking for inconsistencies with transmitted documents using agreements as basis for detecting inconsistencies, and c) populating purchase order documents with amount data for a plurality of stores, but does not disclose automatically populating an amount field. On the other hand prior art that teaches user interface programming techniques to facilitate accurate business transactions between trading partners in a value chain network would serve as a relevant teaching. Yehia teaches a programming technique that automatically populates fields with data extracted from a contract in force between trading partners (see at least 0241) and further teaches triggering a cancellation of an order if the sum of orders from a trading partner exceeds the contract quantity(see at least 0104). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Schleicher to automatically populate a purchase order field based on data in a contract and to compare order data with threshold data as taught by Yehia, in order to facilitate accuracy in generating orders.

Schleicher teaches all the above as noted under the 103(a) rejection but does not specifically disclose wherein an order amount field for a plurality of the stores with said attribute is determined automatically, at least in part, by the attribute. Yehia teaches all the above as noted under the 103(a) rejection and teaches the

system using contract data to prevent inconsistencies in trading among partners in a value chain and basing system responses on established business rules enforced by the trading hub. Yehia teaches automatically populating data fields and automatically extracting data from fields to facilitate business transaction between trading partners and enforces business rules that include implications of the quantities ordered and the time period on pricing and potential discounts (see at least 0117) (please note examiner's interpretation: relationship between discounted pricing and quantity are enforced by business rules applied by the system. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Schleicher to determine quantity (i.e. order amount) at least in part by the attribute (i.e. discounted pricing) as taught by Yehia, in order to ensure consistencies in order generations and processing between trading partners.

Schleicher teaches all the above as noted under the 103(a) rejection and teaches populating a purchase order with product information and storing purchase orders in a database, but does not specifically disclose making selections from a catalog. Yehia teaches all the above as noted under the 103(a) rejection and teaches ordering support systems and further teaches a service catalog as an application (please note examiner's interpretation: for purpose of accessing a catalog to facilitate ordering process) (see at least 0006). Therefore it would have been obvious to one of ordinary skill in the art at time of the

invention to modify the system and method of Schleicher to make selections from a catalog as taught by Yehia, in order to facilitate the population of a purchase.

Shleicher teaches all the above as noted under the 102(e) rejection but does not disclose segmented permission portions to permit entering data based on buyer ID. On the other hand Yehia teaches FIGS. 18-23 being a series of screen shots illustrating the customized interpretations of a contract, the user being logged in to the system 300 with a user ID and password, and further teaches the information and screens being customized to the user ID (see at least 0232). For example, an account administrator would only see an account management screen, a purchasing manager being authorized to see orders and how to place orders. A contract manger seeing contracts. FIG. 18 shows a screen for searching preexisting contracts. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Schleicher to implement permissions for data entering as taught by Yehia, in order to segment data entering by user ID.

Pertaining to system, program code and logic claims

Rejection of system, program code, and logic claims is based on the same rational as noted above.

- 4. Claims 8, 15-18, and 37-40 are rejected under 35 USC103(a) as being unpatentable over Schleicher (US 2003/0115119) and Yehia (US 2002/0147726), as applied to claims 12 and 35, further in view of Official**

Notice (regarding old and well known in the arts referred hereinafter as ON1).

Schleicher and Yehia teach all the above as noted under the 103(a) rejection and teach a) contracts that factor taxes and processing trading partner purchase orders, b) shipping product to trading partners, and b) notifying trading partners on inconsistencies (e.g. based on pricing, quantities available), but do not specifically disclose other specifics pertaining to the purchase order. The Examiner takes the position that it is old and well known in the art for businesses to request and/or convey purchasing data necessary and prudent to complete a purchase request. For example, data indicating proper shipping/handling (e.g. modal/fragile items), required taxes, product availability, ship date(s), shipping location(s) or alternate shipping location(s) (i.e. intermediate shipping locations) are fundamental to exercising prudent business practice to ensure delivery of product to a trading partner consistent with trading partner agreements.

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Schleicher and Yehia to facilitate use of purchasing data as taught by ON1, in order to convey purchasing data fundamental to prudent business practice to ensure delivery of product to a trading partner consistent with trading partner agreements.

Pertaining to system, program code and logic claims

Rejection of system, program code, and logic claims is based on the same rationale as noted above.

- 5. Claims 25, 47, and 56 are rejected under 35 USC103(a) as being unpatentable over Schleicher (US 2003/0115119) and Yehia (US 2002/0147726), as applied to claims 23, 45, and 48, further in view of Official Notice (regarding old and well known in the arts referred to hereinafter as ON2).**

Schleicher and Yehia (for claims 25 and 47) or Schleicher alone (for claim 56) teach all the above as noted under the 103(a) and 102(e) rejections and teach a) a supply chain hub managing web-based applications used by trading partners, b) presenting content in HTML format, and c) preparing and sending purchase orders to one or more trading partners via the supply chain hub, but do not specifically disclose a designator to display a store organization or item organization. The Examiner takes the position that it is old and well known in the arts to display purchasable products by brand/supplier or by item categories. For example, Summit Racing (Item: U) provides an example of permitting the buyer to select either format useful to the buyer. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Schleicher and Yehia or Schleicher alone to provide format designators as taught by ON2, in order to display catalog information useful to a buyer.

Pertaining to system, program code and logic claims

Rejection of system, program code, and logic claims is based on the same rational as noted above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Summit Racing: Internet Archive Wayback Machine, www.archive.org, www.summitracing.com; 02, 14 December 2001; 26 January 2002; 04, 19 June 2002; 6pgs; teaches online procurement website providing designator for item organization and designator for store or supplier organization.
- RSI: "Restaurant Services, Inc moves Burger King Systems on-line with Amphire," Business Wire, 05 March 2002, 2pgs; teaches the Assignee contracting Amphire Solutions for supply chain management system to support Burger King restaurants and distributors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
January 4, 2007